KOERNER & OLENDER, P.C.

Attorneys at Law 11913 Grey Hollow Court North Bethesda, Maryland 20852-5706

> Tel. (301) 468-3336 Fax (301) 468-3343 bkofcclaw@erols.com

Robert L. Olender * rolender.law@comcast.net

James A. Koerner jkoerner.law@comcast.net *not admitted in MD

June 29, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary Federal Communications Commission The Portals, TW-A325 445 Twelfth Street, S.W. Washington, DC 20554

Re:

Station KVHP

Facility ID No. 35852 Lake Charles, LA

Request for Waiver of July 1, 2006 Replication/

Maximization Deadline

MB Docket No. 03-15

Dear Ms. Dortch:

On behalf of National Communications, LLC, permittee of Television Station KVHP-DT, Lake Charles, Louisiana, this requests a waiver of the July 1, 2006 replication/maximization interference protection deadline. This request is being filed pursuant to the *Public Notice* "DTV Channel Election Issues—Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline", DA 06-1255, released June 14, 2006.

Station KVHP-DT has been operating pursuant to Special Temporary Authority (STA) with facilities less than authorized in the outstanding DTV construction permit. A request to renew the STA was filed with the Commission by letter dated June 20, 2006, and is currently pending.

In addition, an application for extension of the construction permit (FCC Form 337) is being filed simultaneously herewith.

Marlene H. Dortch, Secretary Federal Communications Commission June 29, 2006 Page 2

This request for waiver, and the application for extension of the construction permit, are being filed because of financial, weather and construction conditions.

The estimated cost of a complete buildout of the digital facility is \$1,500,000 to \$2,000,000. The permittee does not have those funds available at the present time. In addition, as detailed below, because of the adverse effects of the 2005 hurricanes on the revenues of Station KVHP, and the fact that the KVHP application for renewal of license is still pending, the permittee is not able to borrow the necessary funds to complete the buildout.

As the Commission is well aware, the hurricanes of 2005 had a devastating effect on the economy in Louisiana. In particular, Lake Charles, the city of license of Station KVHP, took a direct hit from Hurricane Rita. Prior to the hurricanes, Station KVHP's 2005 revenues were ahead of 2004 revenues. However, in the fourth quarter, following the hurricanes, revenues were nearly \$500,000 less that the previous year. Revenues still have not rebounded. Station KVHP operated with reduced power for several months because of the damage caused by Hurricane Rita.

Because of the damage to broadcast and other towers in the hurricane affected areas of the Gulf Coast, it has been extremely difficult to contract with tower crews or engineering groups for new installation. By way of example, KVHP's 1400 foot tower was damaged by Hurricane Rita on September 23, 2005. The station contacted several tower crews for evaluation of the extent of the damage and performance of repairs. However, it was not until May, 2006 that the station was able to have Coast To Coast Towers do the necessary repairs. Tower crews are still doing repairs to towers on the Gulf Coast, and those contacted are unwilling to commit to new projects at the present time. Qualified engineering consultants and technicians for installation of transmitters and other necessary equipment are similarly reluctant to commit to new projects.

For the foregoing reasons, it is requested that the replication/maximization interference protection deadline of July 1, 2006 be waived for Station KVHP-DT.

Marlene H. Dortch, Secretary Federal Communications Commission June 29, 2006 Page 3

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,

James A. Koerner,

Counsel for

National Communications, LLC

Cc: Shaun Maher, Esq. (FCC) (via e-mail)

Mr. Lester Langley